

AMENDED IN ASSEMBLY MAY 7, 2003  
AMENDED IN ASSEMBLY APRIL 22, 2003  
AMENDED IN ASSEMBLY MARCH 26, 2003  
AMENDED IN ASSEMBLY FEBRUARY 5, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 66**

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**Introduced by Assembly Member Leslie**  
**(Coauthors: Assembly Members Aghazarian, Bates, Cogdill, Cox,**  
**Dutton, Garcia, Harman, Houston, Lieber, Longville, Maddox,**  
**Maze, Nakanishi, Pacheco, and Spitzer)**

December 9, 2002

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An act to amend Section 7270.5 of, and to add Sections 7275 and 7276 to, the Food and Agricultural Code, and to add Division 2.7 (commencing with Section 1970) to the Streets and Highways Code, relating to riparian habitat, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 66, as amended, Leslie. Riparian Habitat: Adopt-A-Riverway Program.

Under existing law, the Department of Transportation controls state highways and associated properties, counties are responsible for county highways, and cities are responsible for city streets. Existing law authorizes the Department of Transportation to enter into an agreement to accept funds, materials, equipment, or services from any person for maintenance or roadside enhancement of a section of a state highway. The Director of Transportation is authorized to recognize the

sponsoring person with the erection of a courtesy sign on the highway. Existing law further authorizes the department to issue encroachment permits. Pursuant to this authority, the department operates a government-volunteer partnership Adopt-A-Highway Program.

Existing law designates the Department of Food and Agriculture as the lead department in noxious weed management. Existing law creates the Noxious Weed Management Account in the Department of Food and Agriculture Fund, for use by the Secretary of Food and Agriculture for the purpose of managing and eradicating noxious weeds through local weed management areas implementing integrated weed management plans, as defined.

This bill would authorize the Department of Food and Agriculture to accept funds or services from any person, as defined, for maintenance or enhancement of a section of a state riverway, as defined, for purposes of operating a government-volunteer partnership Adopt-A-Riverway Program. Participation in the program would include management of noxious and invasive weeds, as defined. Authorized program activities include planting and establishing native seedling trees, shrubs, native grasses, and wildflowers, and improving enhancing riparian, aquatic, or fish habitats, consistent with an integrated weed management plan. The bill would establish an Adopt-A-Riverway Fund as a continuously appropriated trust fund for money and any other proceeds donated, appropriated, transferred, or otherwise received for the purpose pertaining to the Adopt-A-Riverway Program. Upon donation of a minimum of \$100,000 to the fund, up to 5% of any individual donation to the fund may be used for courtesy signs recognizing the donor.

This bill would authorize the Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, to place and maintain courtesy signs, when authorized by statute. The bill would authorize the Department of Food and Agriculture to award courtesy signs to persons donating a minimum of \$5,000 annually to the Adopt-A-Riverway Fund and to enter into an agreement with the Department of Transportation or a local authority for production, placement, and maintenance of courtesy signs.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.



*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) Noxious and invasive weeds have destroyed large portions of riparian habitat along creeks, streams, rivers, lakes, reservoirs, and other bodies of freshwater in California.

(b) Noxious and invasive weeds damage the integrity of the riparian system by altering erosion, sedimentation, flooding, and fire.

(c) The invasive weed *Arundo donax* (giant reed) has established large colonies across the state, most notably in southern California, where in one 10,000 acre area of riparian habitat it has been estimated to consume more than 30,000 acre-feet of water each year, or enough water to meet the yearly freshwater needs of 150,000 persons.

(d) Proper noxious and invasive weed management in riparian habitats is critical to sustaining California's freshwater supply in the future.

(e) The Legislature intends that the Department of Food and Agriculture operate an Adopt-A-Riverway Program consistent with the integrated weed management plans for the control of noxious weeds implemented pursuant to Article 1.7 (commencing with Section 7270) of Chapter 1 of Part 4 of Division 4 of the Food and Agricultural Code.

(f) The Legislature intends that any private gifts, donations, or bequests to the Adopt-A-Riverway Fund are charitable contributions pursuant to Section 170 of the Internal Revenue Code.

(g) The Legislature intends that a portion of the donations made to the Adopt-A-Riverway Program be used to pay for courtesy signs in recognition of the donors' efforts to restore California's riverways and riparian habitats.

(h) The Legislature intends the act adding this section to encourage local governments to organize litter removal events in which persons may volunteer time to pick up litter along waterways and in riparian habitats within the local government's jurisdiction.

(i) The Legislature intends that the act adding this section shall not be construed to permit the encroachment onto private property

1 or the infringement upon the private property rights of any  
2 individual in this state.

3 SEC. 2. Section 7270.5 of the Food and Agricultural Code is  
4 amended to read:

5 7270.5. For the purposes of this article:

6 (a) Integrated weed management plan” means an  
7 ecosystem-based control strategy that focuses on long-term  
8 prevention of weeds through a combination of techniques, such as  
9 biological controls, judicious use of herbicides, modified land  
10 management, and cultural practices, and where control practices  
11 are selected and applied in a manner that minimizes the risks to  
12 human health, nontargeted organisms, and the environment. *An*  
13 *integrated weed management plan shall also, when appropriate,*  
14 *comply with any applicable provisions of Chapter 6 (commencing*  
15 *with Section 1600) of Division 2 of the Fish and Game Code and*  
16 *the California Environmental Quality Act (Division 13*  
17 *(commencing with Section 21000) of the Public Resources Code).*

18 (b) “Noxious and invasive weeds” means weeds that the  
19 department has determined to be either noxious or invasive weed  
20 species.

21 (c) “Person” shall have the same meaning as in Section 38, but  
22 shall additionally include the United States of America, and all  
23 political subdivisions, districts, municipalities, and public  
24 agencies of the State of California.

25 (d) “Riverway” means the water, bed, shoreline, and riparian  
26 vegetation, of any creek, including an “urban creek” as defined in  
27 Section 7048 of the Water Code, stream, river, lake, reservoir, or  
28 other body of freshwater, including a “stream environment zone”  
29 as defined in Section 66957 of the Government Code, as well as  
30 enclosed bays and estuaries, as defined by Section 13391.5 of the  
31 Water Code.

32 SEC. 3. Section 7275 is added to the Food and Agricultural  
33 Code, to read:

34 7275. (a) The department is authorized to operate a  
35 government-volunteer partnership Adopt-A-Riverway Program.

36 (b) The department may receive funds or services from any  
37 person to assist a weed management area in implementing an  
38 integrated weed management plan, pursuant to this article.



(c) Adopt-A-Riverway Program activities may include the following activities, provided the activities are completed as part of an integrated weed management plan:

(1) Planting and establishing native seedling trees, native grasses, and wildflowers along the adopted riverway.

(2) Improving and enhancing riparian, aquatic, or fish habitats.

(d) Activities undertaken pursuant to subdivision (c) are subject to review pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) and any state or locally adopted river management or conservancy plan.

(e) The secretary may request the Director of Transportation or a local authority to authorize a courtesy sign to be placed on a state highway, county highway, or city street, near the riverway, pursuant to Chapter 2 (commencing with Section 1975) of Division 2.7 of the Streets and Highways Code.

(f) It is the intent of the Legislature that the duties and responsibilities of the department, as provided for in this section, be accomplished by utilizing existing staff resources, as available.

SEC. 4. Section 7276 is added to the Food and Agricultural Code, to read:

7276. (a) The Adopt-A-Riverway Fund is hereby established in the State Treasury. The fund is a trust fund and shall contain money and any other proceeds donated, appropriated, transferred, or otherwise received for purposes pertaining to the Adopt-A-Riverway Program. The secretary may collect for deposit into the fund, gifts, donations, bequests, and moneys made available from federal, state, and local sources. Notwithstanding Section 13340 of the Government Code, the money in the Adopt-A-Riverway Fund is hereby continuously appropriated to the department without regard to fiscal years for purposes pertaining to the Adopt-A-Riverway Program.

(b) Notwithstanding subdivision (c) of Section 7271, the secretary of the department shall award grants from the Adopt-A-Riverway Fund to weed management areas, as defined by subdivision (b) of Section 7272, for the purpose of integrated weed management along riverways and in riparian habitats consistent with Sections 7272 and 7272.5.

(c) Notwithstanding subdivision (c) of Section 7271, the secretary of the department may award grants from the

1 Adopt-A-Riverway Fund to nonprofit organizations for integrated  
2 weed management along riverways and in riparian habitats. The  
3 department shall establish regulations for grant eligibility and  
4 award pursuant to this subdivision.

5 (d) Upon donation of a minimum of one hundred thousand  
6 dollars (\$100,000) to the fund, up to 5 percent of any individual  
7 donation to the fund may be used for courtesy signs to be produced,  
8 placed, and maintained pursuant to Chapter 2 (commencing with  
9 Section 1975) of Division 2.7 of the Streets and Highways Code.

10 SEC. 5. Division 2.7 (commencing with Section 1970) is  
11 added to the Streets and Highways Code, to read:

12  
13 DIVISION 2.7. COURTESY SIGNS

14  
15 CHAPTER 1. GENERAL PROVISIONS

16  
17 1970. (a) The department and local authorities, with respect  
18 to highways under their respective jurisdictions, may place and  
19 maintain, or cause to be placed and maintained, courtesy signs,  
20 when authorized by statute.

21 (b) Courtesy signs shall be consistent with existing code  
22 provisions and department rules and regulations concerning signs.

23 (c) Courtesy signs shall only be placed upon a state highway  
24 upon the authorization of the director.

25 (d) Courtesy signs shall only be placed upon the highways of  
26 a local authority, upon the approval of an authorizing resolution by  
27 a majority of the members of the governing body of that local  
28 authority. The resolution authorizing the placement of courtesy  
29 signs shall include all of the following:

30 (1) A general plan of where the courtesy signs will be placed  
31 within the geographical borders of the local authority, including  
32 any street, bike trail, or pedestrian path.

33 (2) A finding that the planned placement of the courtesy signs  
34 would not degrade the natural environment of the area.

35 (e) The costs incurred by the department and local authorities  
36 associated with placing and maintaining courtesy signs shall be  
37 paid for by the Adopt-A-Riverway Fund.

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CHAPTER 2. ADOPT-A-RIVERWAY PROGRAM

1975. (a) Highway courtesy signs may be awarded by the Department of Food and Agriculture, to persons that donate a minimum of five thousand dollars (\$5,000) annually to the Adopt-A-Riverway Fund. Donors may stipulate in which county they desire the courtesy signs be placed and may request specific sign placement within the county.

(b) The Department of Food and Agriculture may enter into an agreement with the department or a local authority for production, placement, and maintenance of courtesy signs, to be awarded pursuant to this section.

